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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/769,372	01/29/2004	Shunichi Kunihiro	1232-5265	7904
27123	7590	11/22/2005		
MORGAN & FINNEGAN, L.L.P. 3 WORLD FINANCIAL CENTER NEW YORK, NY 10281-2101			EXAMINER FIDLER, SHELBY LEE	
			ART UNIT 2861	PAPER NUMBER

DATE MAILED: 11/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

10/769,372

**Applicant(s)**

KUNIHIRO, SHUNICHI

**Examiner**

Shelby Fidler

**Art Unit**

2861

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
  - 2) ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. ____.  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>6/14/2004</u> .   | 6) <input type="checkbox"/> Other: ____.                                    |

*Specification*

The abstract of the disclosure is objected to because of grammatical errors. Lines 6-8 are unclear. Correction is required. See MPEP § 608.01(b).

*Claim Rejections - 35 USC § 102*

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Otsuki et al. (US 6267519 B1).

**With regards to claim 1**, Otsuki teaches a printing apparatus (col. 5, line 30) performing printing by scanning a carriage (col. 5, lines 34-35) being capable of mounting an inkjet printhead for discharging ink (col. 5, lines 37-38), comprising:

correction means for performing correction of printing timing for adjusting a printing position in the printing (deviation correction section 210, Figure 25); and

non-volatile storage means (P-ROM, col. 16, line 61) for storing information on whether the correction has been performed or not, which can be obtained when the correction is executed (col. 16, line 64 – col. 17, line 3 in combination with col. 8, lines 49-50 shows that adjustment values are stored in the storage means, the existence of which proves whether or not the correction has been performed or not).

**With regards to claim 2**, Otsuki teaches that the information includes a correction value for discharge timing of ink (col. 17, lines 7-10).

**With regards to claim 3**, Otsuki teaches that the apparatus performs printing by bi-directional scanning (col. 1, lines 53-56), and that the correction means corrects printing timing

for scanning in a forward direction and printing timing for scanning in a backward direction (col. 21, lines 45-53).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Otsuki et al. in view of Noyes et al. (US 6775022 B2).

With regards to claim 4, Otsuki teaches a printing system including a printing apparatus (col. 5, line 30) and a host device connected to the printing apparatus (col. 5, lines 42-43), the printing apparatus performing printing by scanning a carriage mounting a printhead (col. 5, lines 33-38), the printing apparatus comprising:

correction means for performing correction of printing timing for adjusting a printing position in the printing (deviation correction section 210, Figure 25); and

non-volatile storage means (P-ROM, col. 16, line 61) for storing information on whether the correction has been performed or not, which can be obtained when the correction is executed (col. 16, line 64 – col. 17, line 3 in combination with col. 8, lines 49-50), the host device comprising:

communication means for receiving the information stored in the storage means by communicating with the printing apparatus (connector 56 provides interface with printer control circuit 40 and computer, Figure 1); and

Otsuki does not teach a determination means or a display means for displaying a message. Noyes discloses a determination means for determining whether the correction has been performed or not, based on the received information (col. 55, lines 65-67) and a display means for displaying a message when the determination means determines that the correction has not been performed (col. 55, lines 34-37).

At the time of invention, it would have been obvious to a person of ordinary skill in the art to combine Otsuki's printing system with Noyes' display means. The motivation for doing so, as taught by Noyes, is to notify the user of misalignment and request that alignment be performed (col. 56, lines 26-29).

**With regards to claim 5 and 8,** Otsuki teaches that the information includes a correction value for discharge timing of ink (col. 16, lines 61-64).

**With regards to claim 6 and 9,** Otsuki teaches that the printing apparatus performs printing by bi-directional scanning (col. 1, lines 53-56), and the correction means corrects printing timing for scanning in a forward direction and printing for scanning in a backward direction (col. 21, lines 45-53).

**With regards to claim 7,** Otsuki teaches a control method of a printing apparatus for performing printing by scanning a carriage (col. 5, lines 34-35) being capable of mounting a printhead (col. 5, lines 37-38), comprising the steps of:

providing the printing apparatus with correction means for performing correction of printing timing for adjusting a printing position in the printing (deviation correction section

Art Unit: 2861

210, Figure 25), and non-volatile storage means (P-ROM, col. 16, line 61) for storing information on whether the correction has been performed or not, which can be obtained when the correction is executed (col. 16, line 64 – col. 17, line 3 in combination with col. 8, lines 49-50); and

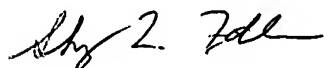
receiving the information stored in the storage means by communicating with the printing apparatus on a host device connected to the printing apparatus (col. 5, lines 42-43).

Otsuki does not teach determining whether the correction has been made or displaying a message. Noyes teaches determining whether the correction has been performed or not (col. 55, lines 34-36), based on the received information on the host device (col. 24, lines 27-30 show that printer driver 84 is on the host); and

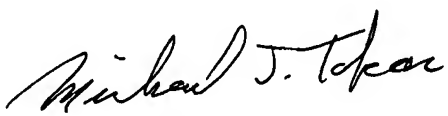
displaying a warning message on the host device when it is determined that the correction has not been performed (col. 55, lines 36-37).

### *Conclusion*

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



SLF



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